



PUBLIC NOTICE OF DESIGNER SELECTION

Designer Selection Board

One Ashburton Place, Room 1004, 10th Floor | Boston, MA | 02108
Telephone: 617-727-4046 | www.mass.gov/dsb

DSB List#: 19-06

Notice Date: February 13, 2019

Submission Date: March 6, 2019 At 2:00 PM

Project Number: DCP1921 HD1

Project Title: Study, Planning, Design & Construction of Courthouses

Project Location: Statewide

Awarding Agency: Division of Capital Asset Management and Maintenance (DCAMM)

Available Aggregate Amount: Five Contracts; Up to \$2,000,000 per Contract

Estimated Construction Cost: Various per Project, Typically less than \$10,000,000

Contract Term: Up to Six (6) Years

Maximum Fee Per Contract, excluding
reimbursables, based on the scope of work and
services authorized, shall not exceed:

Up to \$2,000,000

Prime Firm Requested:

- ☒ Architect
- ☐ Landscape Architect
- ☐ Engineer
- ☐ Interior Designer
- ☐ Programmer
- ☐ Construction Manager
- ☐ Other:

Immediate Services Authorized:

- ☒ Certifiable Building Study
- ☒ Schematic Plans and Outline Specifications
- ☒ Design Development Plans and Specifications
- ☒ Construction Plans and Specifications

Contract Type:

- ☒ House Doctor (on call service contract)
- ☒ # Required (Up to)

This contract will be a "house doctor" contract. Multiple projects of the type described in the Project Overview and Scope of Work may be assigned, and fee increments approved, up to the maximum fee per contract. Selection by the DSB under this advertisement does not guarantee that a contract will be executed with any given firm. The Awarding Agency will enter into House Doctor contract(s) with selected firm(s) at its sole discretion, based on the Awarding Agency's needs. Awarding Authority may assign a House Doctor with which it has signed a contract to perform individual project(s) of the type described in this advertisement directly for another Commonwealth entity.

X Administration of Construction Contract

X Other: Feasibility Study, Master Plan, etc.

AGENCY INFORMATION



The Division of Capital Asset Management and Maintenance (DCAMM), an agency within the Executive Office for Administration and Finance (A&F) is responsible for capital planning, major public building construction, facilities management, and real estate services for the Commonwealth of

Massachusetts. The agency was created by the legislature in 1980 to promote quality and integrity in the management and construction of the Commonwealth's capital facilities and real estate assets.

DCAMM oversees the Commonwealth's capital assets, totaling over 65 million square feet. The agency manages over \$2 billion in capital projects, working with state agencies on the full cycle of their strategic facility needs. DCAMM directly manages 5.5 million square feet of state buildings, and for those buildings not managed by DCAMM, we assist our client agencies using comprehensive and cost-effective maintenance and management strategies and standards. DCAMM is also responsible for all state real estate activities, including acquisition of property, disposition of surplus property and the leasing of space on behalf of state agencies, for offices and other facilities. DCAMM is an active participant in the Governor's Open for Business Initiative, which is pursuing creative approaches to utilizing state-owned real estate assets through public-private partnerships, improved cooperation with cities and towns, and repurposing land adjacent to state functions still in use.

PROJECT OVERVIEW

DCAMM, in collaboration with the Executive Office of the Trial Court, seeks to procure House Doctor services from design professionals with broad experience in planning, certifiable building studies, design, and construction, to support DCAMM's mission involving capital asset management and facilities maintenance for courthouses.

DCAMM seeks a strong leader in the Prime Consultant as a partner. DCAMM will assess the required scope of work and develop the most effective strategy to address the particular issues of any given assignment. Given the varied nature of potential assignments, DCAMM will look to the selected consultant to assist in assessing the required expertise for the assignment, obtain proposals for additional services, and lead the team members. These tasks will be undertaken in highly interactive processes that require demonstrated experience in building studies, project design and project construction.

There are currently 99 courthouses in the Commonwealth, and following the consolidation of Lowell Juvenile Court, Lowell District Court and Lowell Superior Court into the new Lowell Regional Justice Center at the end of calendar year 2019, there will be 97 courthouses.

In 2017, the Executive Office of the Trial Court and DCAMM worked together to complete the Courts Capital Master Plan (CCMP). The CCMP provides a thorough documentation and accounting of capital infrastructure needs and identifies strategic opportunities for the future throughout the Trial Court system. The planning emphasizes an understanding of the evolving criteria for building design, and the need to increase operational efficiency, while simultaneously ensuring fair and efficient access to justice throughout the Commonwealth. The result is a vision for the future, as well as a set of priority facilities in need of improvement or renovation. In general, **many courthouses are in a state of disrepair while others need targeted repairs. According to 2017 data, 65% of the courthouses are more than 50 years old.** Projects resulting from this contract will emphasize building stabilization, while maintaining essential courthouse operations.

As DCAMM and the Trial Court move toward completing improvements that have been identified in the CCMP, the agencies have developed a set of goals to guide this process. All future courthouse projects, large and small – beginning with planning for the building study and continuing through design and construction—will need to be completed in support of the relevant goals established for the building improvements implementation process.

These goals build upon the work completed in the CCMP and represent a broad set of guidelines for design and construction.

Goals

Create Safe & Accessible Facilities

- Implement universal design standards for use of the facility by the public, staff, and detainees, regardless of status or ability;
- Understand evolving best practices in courthouse design (e.g. trends in courthouse design/operation, sight and sound standards, line of sight, etc.), and ensure best practices are incorporated into the overall design;
- Implement solutions that will make facilities more resilient;
- Prioritize improvements that increase access to courthouses via public transportation.

Create Flexible Program Spaces

- Determine necessary program components for a contemporary courthouse;
- Meet or exceed benchmarks and national best practices for the size and design of courtrooms and support spaces;
- Create a program with an efficient courtroom utilization rate, based on best practices;
- Utilize scheduling and an understanding of operations to share support spaces;
- Allow for the adaptive re-use of spaces as programs shift to accommodate technological transformations.

Design Quality & Civic Presence

- Programming of spaces will accommodate a civic presence, consistent with the character of a modern courthouse;
- Programming and design will respond to the physical context of the surrounding buildings, and incorporate best practices in site planning and urban design; design of the facility and open spaces will aim to contribute to the urban design and civic infrastructure of the community;
- Design of the facility will emphasize energy efficiency, including building systems and life cycle analysis.

Balance Sustainability, Cost Control, Function & Maintenance

- Design a facility that meets the needs of a modern courthouse, while also emphasizing function and efficiency;
- Employ creative and practical strategies to analyze building systems and assemblies that are cost effective; understand potential tradeoffs, and prioritize solutions that balance function with aesthetic value;
- Prioritize materials that are long-lasting, easy to maintain, and have performed well in other courthouses over a long duration of time.

Prioritize Operational Solutions & Implement Technological Transformations

- Share resources: review facilities to understand operations, efficiencies and sharing/consolidation opportunities;
- Explore adjustments in scheduling and organization to improve court operations;
- Determine existing courtroom utilization, and aim to increase operational efficiency;
- Design for a transition to electronic filing and case processing;
- Accommodate the digital presentation of evidence in courtrooms;
- Implement real-time language translation;
- Transition to a digital file storage system and reduce physical space for file storage.

Project Context

The Commonwealth faces a major challenge in addressing the significant backlog of deferred maintenance in our buildings and infrastructure. Our state-owned facilities across the full portfolio total over 66 million square feet (with the courts comprising approximately 5.6 million of the total), and the estimate of the backlog for deferred maintenance at all facilities is over \$10 billion. This situation requires a strategic approach to investing in the Commonwealth by prioritizing maintenance and modernization of our existing assets and making only targeted investments in new or expanded facilities.

For the Massachusetts State Court system, the key goal of providing facilities that are dignified and contribute to the urban context must be met through creative, cost-effective and resource-efficient solutions that produce facilities the system can afford to maintain and operate. The decisions we make together with our design teams to prioritize and identify solutions to their capital needs must include multiple ways to solve the problem, while keeping in mind the underlying economic constraints. We are seeking design partners who embrace this challenge and bring ideas and creativity to our need to balance aesthetics, cost, functionality and schedule.

Project Location(s)

Projects will be located State-wide.

SCOPE OF WORK: ASSIGNMENTS

Projects may range from planning level analysis, to the renovation of a single courtroom or a small courthouse, or may involve work on a large, regional justice center. Projects may require: strategic planning, building and systems design as well as individual services typically undertaken in site and **facility planning, project design, and project construction**.

Strategic Planning & Preparation of Certifiable Building Study

- Master Planning and site analysis (assessment of opportunities and constraints, and analysis of development potential);
- Visioning / Mission (development and /or confirmation, including research related to program best practices);
- Site Planning and site access (to accommodate specific programmatic requirements);
- Parking, traffic, and transportation analysis and planning;
- Existing condition assessments (building infrastructure evaluation);
- Evaluation and/or updates of previously completed Master Plans or Building Studies;
- Infrastructure and/or engineering evaluations including stormwater analysis;
- Space utilization analysis (facility right sizing and assessment of space use efficiency);
- Programming / space needs analysis;
- Capital investment planning, project budgeting & financial analysis;
- Landscape planning;
- Evaluation of site and facility energy efficiency, sustainability, and resilience;
- Preparation of a Certifiable Building Study, including Preparation of Schematic Design documents (assessment and identification of capital needs).

Design

- Preparation of Building Design Guidelines;

- Preparation of Design Development Documents;
- Preparation of Construction Documents;
- Financial analysis throughout each phase of design;
- Construction;
- Construction administration;
- Construction management;
- Cost estimating.

Process

Selected consultants are expected to partner with DCAMM to assess the scope and develop the most effective strategy to address the assigned project. Assignments will be undertaken with DCAMM, in collaboration with the Executive Office of the Trial Court and involve a highly interactive process that requires experience in managing the expectations of stakeholders.

Strong emphasis will be placed on incorporating best practices and creative strategies in courthouse design and construction. The selected consultant(s) will be responsible for developing one or more detailed work plans including tasks, schedules, deliverables, fee breakdown, etc. Notice(s)-to-proceed will be provided upon the completion of an approved work plan.

Potential Projects

Sample Project #1: In close collaboration with the Executive Office of the Trial Court, DCAMM and other key stakeholders, outline a Work Plan, complete a Certifiable Building Study, Schematic Design, Design Development, Construction Documents, and project construction administration for an historic courthouse in need of masonry repointing, roof replacement, accessibility upgrades, and holding cell expansion. Courthouse functions will need to remain in operation during construction.

Sample Project #2: In close collaboration with the Executive Office of the Trial Court, DCAMM and other key stakeholders, outline a Work Plan, complete a Certifiable Building Study, Schematic Design, Design Development, Construction Documents, and project construction for a courthouse constructed in the 1970s in need of plumbing system replacement, electrical distribution upgrades, updated building controls and accessibility improvements. Courthouse functions will need to remain in operation during construction.

Sample Project #3: In close collaboration with the Executive Office of the Trial Court, DCAMM and other key stakeholders, provide county-wide or regional strategic planning services. Knowledge of best practices in courthouse design, including the impact of technology and evolving justice standards on courthouses, will guide strategic planning.

SUPPORTING DOCUMENTS

The scope of work for this project is supported by the materials listed below, which are available for review and download on the Designer Selection Board website.

- Massachusetts Courts Capital Master Plan (2017)
<https://www.mass.gov/files/documents/2017/04/zp/capital-master-plan-draft-report.pdf>

PROJECT REQUIREMENTS

Below are the detailed list of project requirements, general conditions and/or requirements of this public notice including, but not limited to:

Affirmative Marketing

MBE/WBE Participation

In accordance with M.G.L. C.7C, §6 and Executive Orders 526, 559 and 565, **Division of Capital Asset Management and Maintenance (DCAMM)** has established a minimum combined MBE/WBE participation goal of 17.9% of the overall value of the study and final design contracts for this project. Applicants must utilize a mix of both MBE and WBE firms whose participation, when added together, meets the overall combined goal set for the Contract. The combined goal requires a reasonable representation of both MBE and WBE firm participation. The Combined MBE/WBE goal must be met within the list of requested prime and sub-consultants. All applicants must indicate in the prime firm's application how they or their consultants will meet these goals and will be evaluated on that basis.

Further information about the MBE/WBE Program appears in the "Participation by Minority Owned Businesses and Woman Owned Businesses," in the Commonwealth of Massachusetts Contract for Study, Final Design, and Construction Administration Services (October 2017) at Attachment C, and on the Supplier Diversity Office website: <http://www.mass.gov/sdo>. Applications from MBE and WBE firms as prime consultant are encouraged. Applicants that are themselves MBE or WBE certified will be required to bring a reasonable amount of participation by a firm(s) that holds the certification which is not held by the applicant to the project.

Proposed MBE/WBE participation plans that include solely MBE or solely WBE participation or have only nominal participation by one or the other to meet the combined goal, will not be considered responsive. Applicants are strongly encouraged to utilize multiple disciplines and firms to meet the MBE/WBE goal. Consultants to the prime can team within their disciplines in order to meet the MBE/WBE goal but must state this relationship on the organizational chart (Section 6 of the application form).

Veteran Owned Business Participation Benchmark - Chapter 108 of the Acts of 2012; Executive Order 565

The Commonwealth encourages the participation of Service-Disabled Veteran-Owned Business Enterprises ("SDVOBE") and Veteran-Owned Business Enterprises ("VBE") on its design projects. The benchmark for combined SDVOBE and VBE participation on DCAMM and other Executive Branch agencies design projects is 3% of the contract price as set forth in the standard DCAMM Study and Design Contracts referenced above.

Energy & Sustainability

Executive Order 484: Leading by Example – Clean Energy and Efficient Buildings

Projects undertaken under this contract shall comply with all applicable requirements of Executive Order 484 (EO 484): see <http://www.mass.gov/anf/docs/dcam/dlforms/energy/energy-eo484-final.pdf>.

All building studies shall include preliminary estimates of the project's energy use, water use, and greenhouse gas emissions using protocols established by EOEEA or as determined by DCAMM. No building study shall be certified for final design unless all means, methods, and commitments required to mitigate the project's impact on the operating agency's plan for meeting EO 484's goals are documented in the consensus solution, implementation plan and estimated construction cost.

LEED Certification

This project shall be certifiable at a level of Silver or higher, including Mass LEED Plus requirements. All measures proposed to achieve a LEED rating shall be incorporated into Final Design as part of the Designer's base fee; administration of the certification process by the Designer during the Final Design and Construction phases of the project will be considered an extra service.

Universal Design/Accessibility

Universal Design

Design solutions provided under this contract are expected to meet the diverse and changing needs of users across age, ability, language, ethnicity and economic circumstance. DCAMM welcomes innovative design strategies that are usable by the widest range of people operating in the widest range of situations without special or separate design.

Accessibility

The consultant's design must comply, at a minimum, with 521 CMR, The Rules and Regulations of the Architectural Access Board (<http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/consumer-prot-and-bus-lic/license-type/aab/aab-rules-and-regulations.html>), as well as the 2010 ADA Standards for Accessible Design (<http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm>). When the requirements of these two laws differ the consultant shall comply with the one that provides the greater degree of accessibility. The consultant is also expected to understand and reflect in its design the civil rights obligations of the Commonwealth under Title II of the Americans with Disabilities Act (http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm) to provide equal access to programs, services, activities and comply with ADA scope requirements for alteration of primary function areas, as applicable. DCAMM will utilize an expert third party, such as DCAMM's Statewide Accessibility Initiative, to provide technical assistance and oversight for accessibility compliance during the study, design and construction process, including accessibility audits of existing buildings.

Policies & Procedures

Financial Statement

Chapter 7C, Section 51 requires that on public design contracts where the total design fee is expected to exceed \$30,000 or for the design of a project for which the estimated construction cost is expected to exceed \$300,000 the designer shall:

- a) File its latest CPA or PA audited financial statement with the Division of Capital Asset Management and Maintenance (DCAMM), and continue to do so annually throughout the term of the contract;
- b) Submit a statement from a CPA or PA that states that they have examined management's internal auditing controls, and expresses their opinion regarding those controls.

DCAMM Procedures

The designer will follow the procedures established in DCAMM's Designer Procedures Manual dated August 2008 (<https://www.mass.gov/files/documents/2017/12/19/designers-procedures-manual-aug08.pdf>). Applicants are urged to review and become familiar with the following supplemental material, which is available on the web at: (<http://www.mass.gov/dcam>).

Environmental and other supplemental services

DCAMM reserves the right to obtain supplemental services through independent consultants who will collaborate with the Prime Firm and the Design Team. Asbestos inspection, design and monitoring, and indoor air quality testing and monitoring will be extra services under this contract.

Construction Specifications

The designer shall utilize the DCAMM Standard Specification.

Cost Estimating

Cost estimates, cost models, and estimator participation in both the study and the design phases shall meet the requirements of the current DCAMM Cost Estimating Manual and will be submitted in Uniformat II in the study phase and in both Uniformat II to Level 3 and CSI Masterformat in the design phase. The Cost Estimating Manual can be found at <https://www.mass.gov/files/documents/2017/12/19/cost-estimating-manual.pdf> and Uniformat II can be found at <http://fire.nist.gov/bfrlpubs/build99/PDF/b99080.pdf>.

Building Commissioning

DCAMM will include an independent third-party building commissioning as part of this project. The Commissioning Agent will develop in collaboration with DCAMM an operations and maintenance plan as a reimbursable expense during the building commissioning phase. The commissioning agent will meet with DCAMM's design team during planning, design and construction to evaluate design proposals and make recommendations to ensure the maintainability and operational efficiency of the new building.

CONTRACT REQUIREMENTS

[Contract for House Doctor Services](#)

Appointed applicants will sign a standard *Contract for House Doctor Services* (October, 2017) ("House Doctor Contract"). Once a House Doctor Contract is executed with a selected applicant, DCAMM will solicit proposals from the House Doctor related to specific projects and issue Notices to Proceed for agreed upon scopes of work as set forth in the House Doctor Contract.

https://www.mass.gov/files/documents/2018/12/03/contract-for-house-doctor-services-rev-18-11-29_0.pdf

Exhibit A & B of the House Doctor Contract sets forth specific terms and conditions for the scope of services.

The designer must prepare studies for all projects under this contract, and all building studies must be certified by the DCAMM Deputy Commissioner before final design can proceed.

No costs shall be incurred, or work performed before all contract documents are properly executed and a project notice to Proceed is issued in accordance with the terms of the contract.

CONDITIONS FOR APPLICATION

The applicant's current or updated Master File Brochure must be on file with the Board prior to the date of application. As a condition of application, each applicant, if selected for the new project, agrees to carry professional liability insurance in an amount equal to the lesser of \$5,000,000 or 10% of the Project's Fixed Limit Construction Cost, but in no event less than \$250,000 per claim in accordance with the Design Contract (i.e., minimum coverage of \$250,000 up to \$5,000,000 depending on the construction cost).

APPLICATION EVALUATION

Applications will be evaluated based on the DSB criteria for selection of semi-finalist and finalist appearing on the DSB website <https://www.mass.gov/service-details/eligibility-requirements-for-applicants>. The specific Personnel and Project Experience required is listed below.

PERSONNEL

1. Architect (Prime Firm)
2. Mechanical Engineer (M/P)
3. Electrical Engineer
4. Fire Protection Engineer
5. Structural Engineer
6. Civil Engineer
7. Landscape Architect or Urban Designer
8. Specifications Consultant
9. Cost Estimator
10. MA Building Code Consultant
11. Courts Planner

If a discipline listed above is required to be registered by the Massachusetts Division of Professional Licensure, Applicants and Consultants shall be registered in the Commonwealth of Massachusetts in their respective disciplines.

PROJECT EXPERIENCE

Applications will be evaluated based upon the requirements of M.G.L. Ch. 7C §49 and the work listed on DSB Application Form Sections 8, 9 AND 10 which illustrate current qualifications in the following areas:

1. Demonstrated experience related to: implementing plans involving prioritization of capital projects, evaluating project potential for renovation, reuse assessment, and determining alternative capital investment strategies.
2. Significant project experience of the Prime consultant and their sub-consultants – specifically, the Prime’s Project Manager – in design and construction of comparable complex buildings, while maintaining operations. Prior work on courthouses is a plus but is not required.
3. Relevant experience of the court’s planner with evolving best practices in courthouse planning programming and design, including technological transformations, restorative justice, and sustainable building operations.

APPLICANTS PLEASE NOTE

Please use the latest [DSB Application Form \(Updated July 2016\)](#) and follow the [General Instructions for Filing Applications](#).

Application Update: Please mail/hand deliver One Original, with the Sub-Consultant Acknowledgement forms and SDO Certification letters (by mail) and please email an electronic copy of the application form (do not include the Sub-Consultant Acknowledgment forms and SDO Certification letters) to applications.dsb@massmail.state.ma.us.

Applications that are incomplete will be rejected. Applications that are submitted on a form other than **DSB Application Form (Updated July 2016)** may be rejected as non-compliant and not be considered by the Board. Applications received at the DSB Office after the advertised deadline will not be considered.